

EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

PROJECT TITLE:

Change Order #2 for the Shore
Avenue Storm Water Outfall
Project with Thomco
Construction

_____	Briefing
_____	Proposed Action
<u> X </u>	Consent
_____	Action
_____	First Reading
_____	Second Reading
_____	Third Reading
_____	Public Hearing
_____	Budget Advisory

COUNCIL BILL #	_____
Originating Department	<u>Public Works</u>
Contact Person	<u>Tom Fuchs</u>
Phone Number	<u>425-257-8931</u>
FOR AGENDA OF	<u>June 15, 2016</u>

Initialed by:
Department Head _____
CAA dlb
Council President _____

<u>Location</u>	<u>Preceding Action</u>	<u>Attachments</u>	<u>Department(s) Approval</u>
Southwest Everett, near	6/2/2015 Bid	Change Order #2	Public Works
Mukilteo Boulevard	6/24/2015 Award		
	4/1/2016 Change Order #1		

Amount Budgeted	\$2,300,000.00	Account Number(s): UP 3118
Expenditure Required	\$180,238.04	
Budget Remaining	\$160,000.00	
Additional Required	\$0.00	

DETAILED SUMMARY STATEMENT:

The Shore Avenue Storm Water Outfall Project includes improving the storm drainage system along Shore Avenue and construction of a new outfall system.

Change Order #2 modifies three (3) bid items to schedule A, modifies twelve (12) bid items, and adds five (5) new items to schedule B. New bid items are for two separate changed conditions notices relative to significant sloughing soils during trenching operations, additional restoration work as a result of sloughing, the addition of extruded asphalt curbing and the additional street reconstruction along portions of Shore Avenue.

RECOMMENDATION (Exact action requested of Council):

Authorize the Mayor to sign Change Order #2 with Thomco Construction for the Shore Avenue Storm Water Outfall Project in the amount of \$180,238.04, not including Washington State sales tax.

CITY OF EVERETT

Change Order

<i>Project Title</i>	Shore Avenue Storm Water Outfall Improvements
<i>Department</i>	Public Works Department
<i>Work Order No.</i>	3118
<i>Contractor:</i>	Thomco Construction
<i>Contract Award Date:</i>	6/24/2015
<i>City Staff Contact:</i>	Tom Fuchs
<i>Change Order No.</i>	2
<i>Change Order Effective Date</i>	May 11, 2016

CONTRACT PRICE (exclusive of Wash. State Sales Tax)

Original contract price	\$1,529,647.00
Cumulative Amount of prior change orders	\$226,831.52
Total Contract Price including prior change orders	\$1,756,478.52
Amount of this Change Order	\$180,238.04
Total Contract Price including this Change Order	
	\$1,936,716.56

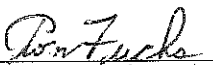
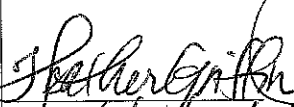

CONTRACT TIME

Original Contract Duration 100	Working Days <input checked="" type="checkbox"/> Calendar Days <input type="checkbox"/>
Date of Notice to Proceed	8/5/2015
Cumulative adjustment to duration by <i>prior</i> Change Orders	170
Adjustment to duration by <i>this</i> Change Order	15
New Contract Duration (<i>including</i> this Change Order)	185

Project: Shore Avenue Storm water Outfall Improvements Project
Change Order No.2
Change Order Effective Date: May 11, 2016

Contractor and City agree as follows:

1. The scope of Work shall be changed to the extent described in Exhibit A.
2. With the exception of Washington State sales tax, the amount of the change order for the changes described in Exhibit A, represents complete compensation for the changes described in Exhibit A, including all direct and indirect costs and impacts. The contract price shall be adjusted as described in this Change Order.
3. Everett Municipal Code 3.80.050 sets forth the threshold amounts below which the Mayor or his designee is authorized to direct Contractor to perform additional work. In calculating such threshold amounts, Washington State sales tax, if applicable to the Work, has been considered.
4. The duration of the Contract shall be adjusted to the extent described in this Change Order.
5. Contractor waives and releases any and all claims arising out of, or related to, this Change Order, the work described in Exhibit A, and all work and actual or constructive changes that occurred or began prior to the date of this Change Order, including, but not limited to, claims for equitable adjustment of time and compensation, delay, impact, overhead, or inefficiencies. This provision does not apply to requests for equitable adjustment of time or price for which the Contractor timely and properly provided notice of a differing site condition, protest, dispute, claim or Contract Claim as required by the Contract Documents. If the Contract Documents establish a time period for notice of a differing site condition, protest, dispute, claim, or Contract Claim that ends after the date of this Change Order, but relates to work performed prior to the date of this Change Order, then this provision does not apply if the Contractor timely and properly submits such notice
6. This Change Order only changes the contract between Contractor and City to the extent explicitly provided herein.

CITY			
		Attest:	Approved As to Form:
_____ Mayor Date: _____	_____ City Clerk Date: _____	_____ City Attorney Date: _____	
Recommended By:			
Construction Manager (if applicable)	Project Engineer (if applicable)	Engineering Manager (if applicable)	Department Director
 Date: <u>5/31/16</u>	 Date: <u>6/2/2016</u>	 Date: <u>6/2/16</u>	_____ Date: _____

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CONTRACTOR	
By <u><i>James Const. Inc.</i></u> <u><i>Seamus J. [Signature]</i></u> V.P. Officer	Date: <u><i>5/27/16</i></u>

Exhibit A—Description of Changed Work

Change Order #2 modifies three (3) existing bid items to Schedule A, modifies twelve (12) existing bid items and adds five (5) new items to Schedule B of the contract as follows:

Modified bid items under schedule A are as follows:

Modify existing **bid item #13** titled, "**HMA Class ½-inch PG 64-22,**" by deleting 80 tons of HMA Class ½-inch PG 64-22, at the unit contract price of \$131.00 per ton, resulting in a \$10,480.00 decrease to the contract price.

Modify existing **bid item #14** titled, "**Planing Bituminous Pavement,**" by deleting 510.00 square yards of planing bituminous pavement, at the unit price of \$9.50 per square yard, resulting in a \$4,845.00 decrease to the contract price.

Modify existing **bid item #15** titled, "**Temporary Pavement Patch,**" by deleting 220 square yards of Temporary Pavement Patch, at the unit price of \$50.00 per square yard, resulting in an \$11,000.00 decrease to the contract price.

Modifications made to the three (3) bid items above results in a \$26,325.00 contract price decrease to schedule A.

Modified bid items under schedule B are as follows:

Modify existing **bid item #53** titled, "**Force Account,**" by deducting \$15,000.00 from the dollar amount anticipated for this bid item.

Modify existing **bid item #54** titled, "**Traffic Control Labor,**" by adding an additional 320 hours of Traffic Control Labor, at the unit price of \$53.00 per hour, resulting in a \$16,960.00 contract price increase.

Modify existing **bid item #56** titled, "**Sawcutting Pavement, Final Joint Cut, Up to 6-inch Thick,**" by deleting 2,200 linear feet of sawcutting pavement, final joint cut, up to 6-inch thick, at the unit price of \$7.75 per linear foot, resulting in a \$17,050.00 deduct from the contract amount.

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Modify existing **bid item #60** titled, "**Crushed Surfacing Top Course**," by deleting 350 tons of crushed surfacing top course, at the unit price of \$35.00 per ton, resulting in a \$12,250.00 deduct from the contract price.

Modify existing **bid item #61** titled, "**Crushed Surfacing Base Course**," by adding 440 tons of crushed surfacing base course, at the unit price of \$38.00 per ton, resulting in a \$16,720.00 contract price increase.

Modify existing **bid item #62** titled, "**HMA Class ½-inch PG 64-22**," by adding 70 tons of HMA Class ½-inch PG 64-22, at the unit contract price of \$102.50 per ton, resulting in a \$7,175.00 increase to the contract price.

Modify existing **bid item #63** titled, "**Planing Bituminous Pavement**," by deleting 2,530.00 square yards of planing bituminous pavement, at the unit price of \$3.50 per square yard, resulting in a \$8,222.50 decrease to the contract price.

Modify existing **bid item #64** titled, "**Temporary Pavement Patch**," by deleting 1,000 square yards of temporary pavement patch, at the unit price of \$70.50 per square yard, resulting in a \$70,500.00 deduct from the contract price.

Modify existing **bid item #76**, titled, "**Gravel Borrow Including Haul**," by adding an additional 2,100 tons of gravel borrow including haul, at the unit price of \$21.00 per ton, resulting in a \$44,100.00 contract price increase.

Modify existing **bid item #77** titled, "**Gravel Backfill for Foundations Class A**," by deleting 100 tons of gravel backfill for foundations class A, at the unit price of \$35.00 per ton, resulting in a \$3,500.00 deduct from the contract price.

Modify existing **bid item #79** titled, "**Cleanout**," by deleting 1 each cleanout, at the unit price of \$2,400.00, resulting in a \$2,400.00 deduct from the contract price.

Modify existing **bid item #82** titled, "**Extruded Cement Concrete Curb**," by deleting 190.00 linear feet of extruded cement concrete curb, at the unit contract price of \$38.00 per linear foot, resulting in a \$7,220.00 deduct from the contract.

Modifications made to the above twelve (12) items results in a \$51,187.50 contract price decrease to schedule B.

New items being added to schedule B are as follows:

Add **new item #201** to schedule B titled, "**Costs for Initial Changed Conditions Notice**", in the lump sum amount of \$84,995.54.

Add **new item #202** to schedule B titled, "**Additional Restoration Work, Lot 4 to 33rd Ave. W.**", in the lump sum amount of \$53,900.00.

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Add **new item #203** to schedule B titled, "**Asphalt Extruded Curb**", by adding 1,555 linear feet of asphalt extruded curb, at the unit price of \$15.65 per linear foot, resulting in a \$24,335.75 contract price increase.

Add **new item #204** to schedule B titled, "**Cost for Second Changed Conditions Notice**", in the lump sum amount of \$40,274.25.

Add **new item #205** to schedule B titled, "**Roadway Reconstruction Costs 33rd Ave. W to Sound Ave.**" in the lump sum amount of \$54,245.00

Five (5) new items being added to schedule B result in a \$257,750.54 contract increase to schedule B.

The result of modifying three (3) existing bid items on schedule A, twelve (12) existing bid items on schedule B and adding five (5) new items to schedule B, results in a \$180,238.04 contract price increase.

JUSTIFICATION:

Schedule A:

Existing **Item #13 - HMA Class ½-inch PG 64-22**. Tons of HMA Class ½-inch PG 64-22 added by previous change order #1 were not needed as part of schedule A work and are being added to schedule B portion of the contract as part of this change order #2. See item #62.

Existing **Item #14 - Planing Bituminous Pavement**. This bid item is being deleted as a result of the ground sloughing of the existing native soils during trench excavation, left minimal areas for planing of bituminous pavement. The planing of bituminous pavement which was completed on the project was paid for under the force account bid item.

Existing **Item #15 - Temporary Pavement Patch**. No temporary pavement patching was completed during the course of this project.

Schedule B:

Existing **Item #53 - Force Account**. The original dollar amount of \$50,000.00 established for this item, was not all required.

Existing **Item #54 – Traffic Control Labor**. Additional hours of Traffic Control Labor were required to complete work on the project.

Existing **Item #56 - Sawcut Pavement, Final Joint, Up to 6-inch Thick**. The full street surfacing replacement approach, as a result of soils sloughing issues during trench excavation, resulted in less saw cutting of asphalt pavement.

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Existing Item #60 - Crushed Surfacing Top Course. The use of crushed surfacing top course was deleted during street reconstruction and crushed surfacing base course was used instead.

Existing Item #61 - Crushed Surfacing Base Course. Additional tons of crushed surfacing base course were used, in-lieu-of use of crushed surfacing top course, as the crushed surfacing base course provides a more structural roadway section. Additionally a full curb to curb street surfacing replacement approach, verses trench patching approach, resulted in the need of additional tons of crushed surfacing base course.

Existing Item #62 - HMA Class ½-inch PG 64-22. Additional tons of HMA Class ½-inch PG 64-22 were used as a result of the full street restoration approach verses the trench patch approach.

Existing Item #63 - Planing Bituminous Pavement. This bid item is being deleted as a result of the ground sloughing of the existing native soils during trench excavation, left minimal areas for planing of bituminous pavement. The planing of bituminous pavement which was completed on the project was paid for under the force account bid item.

Existing Item #64 - Temporary Pavement Patch. No temporary pavement patching was completed during the course of this project.

Existing Item #76 – Gravel Borrow Including Haul. Additional tons of gravel borrow including haul were required to complete the trench backfilling due to the changed conditions encountered with sloughing soils and the need to remove these unsuitable soils during trench excavation and backfill.

Existing Item #77 - Gravel Backfill for Foundations Class A. This bid item was not used during construction of the project.

Existing Item #79 - Cleanout. This bid item was not used during construction of the project.

Existing Item #82 - Extruded Cement Concrete Curb. This bid item was not used during construction of the project.

New Item #201 – Costs for Initial Changed Conditions Notice. Between Lot No. 4 and 33rd Avenue West along Shore Avenue, the new storm trench followed alongside the existing sanitary sewer trench. The sanitary sewer trench was backfilled with unsuitable silty material, which when exposed to the unusual wet weather during the time of excavation to install new storm sewer, became unstable and sloughed into contractors storm sewer trench line, requiring it to be removed and replaced with new suitable gravel borrow material. This cost is to reimburse the contractor for the added labor and equipment costs to remove, load out, haul, and disposal of this unsuitable material.

New Item #202 – Additional Restoration Work, Lot 4 to 33rd Ave. W. This item pays for the installation of asphalt treated base material from City's Lot No. 4 to 33rd Ave West, demo of additional concrete and concrete curbs, demo of additional asphalt to approximate full roadway width, removal of additional spoils, prep of additional subgrade areas to receive asphalt treated base, replacement of existing damaged exposed aggregate concrete panels and driveway approaches and concrete curbs.

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New Item #203 – Asphalt Extruded Curb. This item pays for the new asphalt curb installed along Shore Avenue, as a result of the street reconstruction approach taken, given the excessive sloughing of existing soils during trench excavation.

New Item #204 – Cost for Second Changed Conditions Notice. Between Sound Avenue and 33rd Avenue West along Shore Avenue, the new storm trench followed alongside an existing 8-inch perforated French drainage trench system. This perforated French drain trench system was lined with plastic and backfilled with drain rock to a depth of 4-5 feet and at various locations, generally ran parallel to and either along the south side or north side of the new storm sewer trench pipe being installed by Thomco. The material would sloughed into contractors storm sewer trench line, at times requiring it to be removed and at other times just slowing the dragging of the trench box forward, in order to control the sloughing and loss of added roadway width during the pipe backfilling process. This cost is to reimburse the contractor for the added labor and equipment and dump fee costs caused by the existence of this unknown French drain system.

New Item #205 – Roadway Reconstruction Costs 33rd Ave. W to Sound Ave. The changed conditions encountered during pipe installation along Shore Avenue resulted in significant added width for trench patching and street restoration repairs. The City elected to have Shore Avenue restored from back of curb to back of curb. This cost pays for the removal and dump fees of the additional square yards of asphalt surfacing and existing asphalt curbing, the additional roadway excavation for a 7-inch thick roadway section comprising of 4-inches of crushed surfacing base course and 3-inches of HMA ½-inch PG 64-22, and the adjustment of various existing utility structures within the added foot print of the work.

CONTRACT TIME:

Fifteen, (15), additional working days are being added to the contract time as a result of this change order #2.